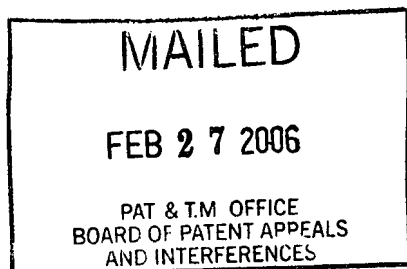




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard Torczon
Telephone: 571-272-9797
Facsimile: 571-273-0042



Patentees: YU
Application No.: 09/227,213, now Patent No.
6,159,485, granted 12/12/00
Filed: 01/08/99
For: N-acetyl aldosesamines, n-acetylamino acids and
related n-acetyl compounds and their topical use

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,371.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Richard Torczon
RICHARD TORCZON
Administrative Patent Judge

Mail Stop INTERFERENCES
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 1

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,371 (RT)
(From Technology Center 1600)

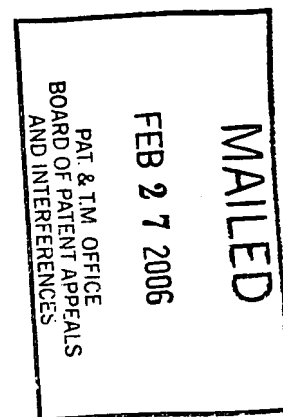
RUEY J. YU
and EUGENE VAN SCOTT
(6,159,485),
Junior Party,

v.

NEOSE TECHNOLOGIES, INC.
(09/123,251),
Senior Party.

DECLARED: 27 February 2006

DECLARATION - Bd.R. 203(d)¹



A. Declaration of interference

An interference is declared pursuant to 35 U.S.C. 135(a). Details of the application, patent, count, and claims designated as corresponding to the count appear under headings E and F of this DECLARATION.

B. Administrative patent judge designated to administer the contested case

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd. R. 104(a).

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

C. Standing order

A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this contested case.

D. Conference call to set dates

A telephone conference call to set dates for action in this contested case is scheduled for 2 p.m. (Eastern) on **20 April 2006**. (The Board will initiate the call.)

No later than **18 April 2006**, each party must file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

E. The parties to this interference

Junior Party

Patent: 6,159,485, issued 12 December 2000, corrected 17 December 2002 (09/227,213, filed 8 January 1999)

Title: N-acetyl aldosesamines, N-acetylamino acids and related N-acetyl compounds and their topical use

Inventors: Ruey J. Yu of Ambler and Eugene Van Scott of Abington, both of Pennsylvania

Senior Party

Application: 09/123,251 [251], filed 27 July 1998

Title: Topical compositions containing sialyl sugars and their derivatives

Inventors: Jon E. Anderson of Galesburg, Michigan, and
Shawn DeFrees of Horsham, Pennsylvania

F. Count and claims of the parties

Count 1

The method of 251 claim 27.

The claims of the parties are:

Yu: 1-20

Neose: 22-27

The claims corresponding to Count 1:

Yu: 1-5, 7-20

Neose: 22-27

The claims not corresponding to Count 1:

Yu: 6

Neose: None

The benefit accorded for Count 1:

Yu: None

Neose: None

G. Heading to be used on papers; exhibit numbers

Addendum 1 provides the heading that shall be used on all papers filed in the contested case. See SO ¶ 106.1.1.

The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

Neose: 1001-1999.

Yu: 2001-2999.

H. Order form for requesting file copies

When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

RICHARD TORCZON
Administrative Patent Judge

Enclosures:

Copy of STANDING ORDER (Paper 2)
Copy of the application² claims for 09/123,251

² Yu's United States patent is available through <http://patft.uspto.gov/netahtml/srchnum.htm>.

Interference No. 105,371

- Yu et al. v. Neose Techs., Inc.

Paper 1

Page 5

cc (via overnight delivery):

For Yu and Van Scott:

AKIN GUMP STRAUSS HAUER & FELD L.L.P.

1 COMMERCE SQ

2005 MARKET ST STE 2200

PHILADELPHIA PA 19103

Tel: 215-965-1200

Fax: 215-965-1210

For Neose Technologies, Inc.:

Todd Esker

MORGAN, LEWIS & BOCKIUS LLP

2 PALO ALTO SQ

3000 EL CAMINO REAL STE 700

PALO ALTO CA 94306

Tel: 650-493-4935

Fax: 650-493-5556

Interference No. 105,371
Yu et al. v. Neose Techs., Inc.

Paper 1
Page 6

ADDENDUM 1

Filed on behalf of: [Name of Party]
By: [Name of lead counsel
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:]

Paper No. [Leave blank]

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

**RUEY J. YU
and EUGENE VAN SCOTT
(6,159,485),
Junior Party,**

v.

**NEOSE TECHNOLOGIES, INC.
(09/123,251),
Senior Party.**

Patent Interference No. 105,371 (RT)

TITLE OF PAPER

ADDENDUM 2

FILE COPY REQUEST
Patent Interference No. 105,371

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address,³ including street, city, state, ZIP code, and telephone number:

3. Telephone, including area code: _____

³ Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.